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OGILVY RENAULT
Suite 1600
1981 McGill College Avenue
Montreal, QC H3A 2Y3
CANADA

EXAMINER

NGUYEN, HUY THANH

ART UNIT	PAPER NUMBER
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2621

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PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/067,131

Applicant(s)

COTE ET AL.

Examiner

HUY T. NGUYEN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 January 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1-5, 8-13, 15-21 and 23 are rejected under 35 U.S.C. 102(e) as being anticipated by Schulz (6,185,538).

Regarding claim 1, Schulz discloses an editing tool for performing post-production synchronization on a video source, the video source comprising an audio source (column 1, lines 5-11), the editing tool comprising: a speech recognition associating unit (column 1 line 60 to column 2, line 5-68, column 4 lines 25-49); collecting and associating basic units of recognized speech and related time codes received from a speech recognition module, a user interface providing an indication of the current temporal location of a post-production audio recording to be synchronized with the video source with respect to a script corresponding to the audio source using the basic units of recognized speech and related time codes from the speech recognition associating unit (Fig. 2, column 5, lines 40- 46).

Method claim 18 corresponds to apparatus claim 1. Therefore method claim 8 is rejected by the same reason as applied to apparatus claim 1.,

Regarding claims 2, 19 and 21, Schulz further teaches the editing tool for performing post-production synchronization on a video source as claimed in claim 1, wherein the basic units of recognized speech received from the speech recognition module are phonemes, the editing tool further comprising a converting unit, the converting unit converting the phonemes and the related time codes from the speech recognition module into words and related time codes; the user interface providing an indication of the current temporal location of the post-production audio recording with respect to a script corresponding to the audio source using the words and the related time codes (Fig. 2, column 4, lines 25-57).

Regarding claims 3 and 20, Schulz further teaches the editing tool for performing post-production synchronization on a video source as claimed in claim 2, further comprising a phoneme to grapheme conversion module, converting the phonemes and the related time codes from the speech recognition module into graphemes and related time codes, the user interface providing an indication of the current temporal location of a postproduction audio recording to be synchronized with the video source with respect to a script corresponding to the audio source using the graphemes and the related time codes received from the phoneme to grapheme conversion module (Fig. 2, column 4, lines 25-57).

Regarding claim 4, Schulz further teaches the editing tool as claimed in claim 2, further comprising a word to phoneme database, providing a list of words and their

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corresponding phonemes, the word to phoneme database connected to the converting unit, the speech recognition module providing words and related time codes, the user interface enabling a synchronization of the words of the script with words detected in the postproduction audio recording using the phoneme to word database, the phonemes and the related time codes (column 5 lines 25-60).

Regarding claim 5, Schulz further teaches the editing tool as claimed in claim 2, wherein the user interface enables a synchronization of the beginning and the end of each phrase of the script and the post-production audio recording using at least the phonemes and the related time codes(column 4, lines 4-49, column 5, lines 7-25).

Regarding claims 8 and 23, Schulz further teaches the editing tool as claimed in claim 1, wherein the time codes related to the script may be edited (column 3, lines 25-35, column 4 lines 35-49)).

Regarding claim 9, Schulz further teaches the editing tool as claimed in claim 1, further comprising an actor name generator; the speech recognition associating unit further receives a parameter indicative of the speaker from the speech recognition module, the parameter being associated with the name of an actor using the actor name generator; the user interface displaying the script according to the name of the actor (column 3,lines 13-24).

Regarding claim 10. Schulz further teaches the editing tool as claimed in claim 1, further comprising a database, storing data of the user interface, the data stored comprising the time codes associated with the script (column 4, lines 35-49).

Regarding claim 11, Schulz further teaches the editing tool as claimed in claim 8, further comprising a database, storing data of the user interface, the data stored comprising the time codes associated with the script (column 4, lines 35-50, Fig. 2)).

Regarding claim 12, Schulz further teaches the editing tool as claimed in claim 1, wherein the user interface comprises a navigation window enabling to change the current temporal location (Fig, 2).

Regarding claim 13, Schulz further teaches the editing tool as claimed in claim 1, wherein the user interface comprises a video window, the video window comprising the video source (Fig2) (column 5, line 60 to column 6, line 10).

Regarding claim 15, Schulz further teaches the editing tool as claimed in claim 1, wherein the basic units of recognized speech are presented by the user interface with a visual indication of their temporal properties using their related time codes (Fig. 2).

Regarding claim 16, Schulz further teaches the visual indication of their temporal properties by the user interface comprises the use of colors, each color being associated with a range of temporal duration (column 3, lines 13-35).

Regarding claim 17, Schulz further teaches the editing tool as claimed in claim 15, wherein the visual indication of their temporal properties by the user interface comprises the use of extendable font (column 3, lines 13-25, Fig 2) .

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

4. Claims 6, 7 and 22 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schulz (6,185,538) in view of HON et al (2001/0044724 A1).

Regarding claim 6, Schulz further teaches the editing tool as claimed in claim 4, that the user interface synchronizing the text and audio using the phoneme to word database, the phonemes and the related time codes (column 4, lines 60- column 5, line 25) but fails to teach synchronizing a conformed text source. Hon teaches generating conformed text (section 0033).

It would have been obvious to one of ordinary skill in the art to modify Schulz with Hon by providing the apparatus of Schulz with a conformed text generating as

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taught by Hon thereby enhancing the capacity of Schulz apparatus receiving and generating the conformed text as an addition data source for editing .

5. Claim 14 is rejected under 35 U.S.C. 103(a) as being unpatentable over Schulz (6,185,538) in view of Abe (6,404,978).

Schulz fails to teach that the editing tool as claimed in claim 9, wherein the script is displayed in different windows in the user interface according to the name of the actor.

Abe teaches an user interface having a generating means for displaying the scripts in different windows according to the name of actor (Figs 1,4 column 5, line 40 to column 6, line 25).

It would have been obvious to one of ordinary skill in the art to modify Schulz with Abe by providing Schulz apparatus with a generating means for generating and displaying the script in different windows according the name of the actor thereby enhancing the capacity of the apparatus of Schulz in selecting and editing the data.

Response to Arguments

6. Applicant's arguments filed 22 January 2007 have been fully considered but they are not persuasive,

Applicant argues that Shultz does not using the basis units of recognized speech" since Shultz discloses that "a text derived by speech recognition from the audio data sequence of the audio source material and displayed on the screen of a display device. The sequence of words in the text displayed is coupled, as a function

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of time, with the sequence of images". In response, the examiner submitted that Schultz clearly teaches a units of recognized speech, each basis unit being defined by a text unit recognized by the speech reorganization device and each of recognized unit having a start of unit and an end of unit defining by time codes (column 4, lines 25-58 Fig, 2 Shultz teaches that each recognized speech basis unit defining by start time code and an end time code .

Applicant further argue that "In fact, the Applicants believe that having an editing tool which operates using the 'basic units of recognized text' is of great advantage over the prior art since it provides a more precise and efficient way to edit text. Firstly the level of editing is better since the editing can be performed at a 'basic unit level' rather than at a 'word' level." In response, it is noted that claims do not recite or specify what the basis unit level is .

Conclusion

7. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

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the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

8. Any inquiry concerning this communication or earlier communications from the examiner should be directed to HUY T. NGUYEN whose telephone number is (571) 272-7378. The examiner can normally be reached on 8:30AM -6:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John W. Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

H.N

HUY NGUYEN
PRIMARY EXAMINER